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Date: JULY 14, 2003

To: EXAMINER TORRES
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Client/Matter No.: DP-306477 (7500/124)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No	DP-308477 (7500/124)
	Application Number	09/997,745
	Filing Date	NOVEMBER 29, 2001
	First Named Inventor	SANJIV G TEWANI
	Group Art Unit	3683
	Examiner	TORRES, M.

ENCLOSURES (check all that apply)		
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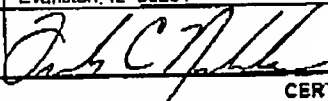
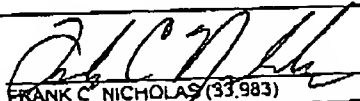
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Indep.		Minus		0	x \$42=	0		x \$84=	
First Presentation of Multiple Dep. Claim					+ \$140=	—		+ \$280=	
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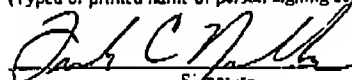
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PATENT-APPEAL

Case No.: DP-306477 (7500/124)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**Applicant: SANJIV G. TEWANI, *et al.*

Group Art Unit: 3683

Serial No.: 09/997,745

Examiner: Torres, M.

Filed: NOVEMBER 29, 2001

Title: POWERTRAIN MOUNT WITH FLOATING TRACK

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

The Examiner first argues in his Answer that the claims do not recite that the orifice track accommodates fluid flow, and that this will not be read into the claims from the specification. However, a claim term is given its ordinary meaning, unless the specification alters that meaning. *Gart v. Logitech*, 59 USPQ2d 1290, 254 F.3d 1334, 1341 (Fed. Cir. 2001). The ordinary meaning of "track" is "a course or route followed." Webster's Encyclopedic Unabridged Dictionary of the English Language (1994) (Exhibit A). To the extent that the application modifies this definition, it is to make explicit that fluid follows the "course or route" of the orifice track -- in other words, the common definition that one of ordinary skill in the art would understand.

Entirely Approved
6/5
8/1/03

July 14, 2003
Case No.: 306477 (7500/124)
Serial No.: 09/997,745
Filed: November 29, 2001
Page 2

The Examiner also suggests that Lee et al. '279 would still anticipate the claims if "orifice track" is given its ordinary meaning. However, each of the independent claims also recites a "slug having a bore" -- and the interior of the tube 34 cannot be both the "orifice track" and the "bore" of the slug. *In re Bond*, 15 USPQ2d 1566, 910 F.2d 831, 832 (Fed. Cir. 1990) (anticipation requires that "every element of the claimed invention must be identically shown in a single reference.").

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SUMMARY

The final rejection of claims 1-14 should be reversed.


Respectfully submitted,

SANJIV TEWANI, *et al.*

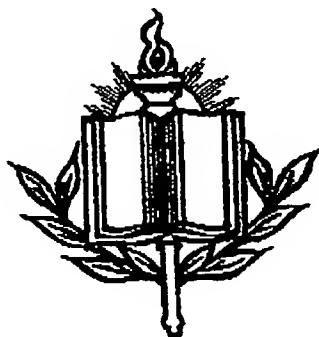
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Webster's Encyclopedic Unabridged Dictionary of the English Language



The dictionary entries are based on the First Edition of The Random House Dictionary of the English Language

**GRAMERCY BOOKS
NEW YORK/AVENEL**

Applicant: Sanjiv G. Tewani, et al.
Serial No.. 09/997,745
Filed: November 29, 2001
Dkt. No. DP-306477 (7500/124)

EXHIBIT A

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